

INDIANA BOARD OF PHARMACY

Indiana Professional Licensing Agency

Conference Center Room W064
402 W. Washington St.
Indianapolis, IN 46204

MINUTES OF October 6, 2008

CALL TO ORDER & ESTABLISHMENT OF QUORUM

President and Presiding Officer William Cover called the meeting to order at 9:15 a.m. in Conference Center Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204, and declared a quorum, in accordance with IC § 25-26-13-3.

Board Members Present:

William Cover, R.Ph., President
Del T. Fanning, R.Ph., Vice President
Donna Wall, PharmD., R.Ph, Member
Sara St. Angelo, PharmD, R.Ph., Member
Winnie Landis, R.Ph., Member
Lora Williams, Consumer Member

Board Members not in attendance:

Steve Anderson, R.Ph., Member

State Officials Present:

Marty Allain, Board Director, Indiana Professional Licensing Agency
James Schmidt, Advisory Counsel

A motion was made and seconded to adopt the agenda.

Wall/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to adopt the September 2008 Minutes.

Landis/Wall

Motion carried 6/0/0

Compliance Officers presented their reports.

Joseph Dean appeared before the board regarding his pharmacy technician application. A motion was made and seconded to table the application.

Wall/Landis

Motion carried 6/0/0

Donna Wall left meeting to attend settlement conference.

Samuel Young III appeared before the board regarding his pharmacy technician renewal application. A motion was made and seconded to reinstate his pharmacy technician certification with probationary terms that include the following: Respondent shall be on probation for one (1) year; Respondent must keep the Board notified of his place of employment, work schedule including hours per week, and his personal contact information; Respondent's employer must submit quarterly reports that include the competence and work habits of the Respondent; Respondent to have quarterly probationary appearances; Respondent to provide a personal quarterly statement on his work status; Respondent to provide

addictionology report before his first probationary appearance; Respondent's employer must acknowledge review of probationary order by signature with signed probationary order returned to the board.

Fanning/St. Angelo

Motion carried 5/0/0

Britney Palmer appeared before the board regarding her pharmacy technician application. A motion was made and seconded to issue a probationary pharmacy technician certification with the following terms: Respondent shall be on probation for one (1) year; Respondent must keep the Board notified of his place of employment, work schedule including hours per week, and his personal contact information; Respondent's employer must submit quarterly reports that include the competence and work habits of the Respondent; Respondent to have quarterly probationary appearances; Respondent to provide a personal quarterly statement on his work status; Respondent shall have four (4) random employer drug tests within the one (1) year probationary term with results sent to the board; Respondent's employer must acknowledge review of probationary order by signature with signed probationary order returned to the board.

Landis/St. Angelo

Motion carried 5/0/1 (Wall abstained)

Donna Wall returned to meeting.

Brittany Trefelner appeared before the board regarding his pharmacy technician application. A motion was made and seconded to approve the application pending receipt of proof of completion of criminal probation.

Landis/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to continue the Walgreens patient health information hearings presently set for November 10, 2008 and December 1 and 2, 2008.

Wall/Landis

Motion carried 4/1/1 (Cover abstained & St. Angelo against)

In the Matter of the Indiana Controlled Substance Registration of Thomas Bathrick, DO

License No. 02000736B

Administrative Cause No. 2008 IBP 0040

Re: Petition to Reinstate

Parties and Counsel Present:

Thomas Bathrick, Respondent

Michelle Baldwin, Respondent's counsel

Libby Kiefner, DAG

Participating Board Members:

Fanning

St. Angelo

Williams

Cover

Wall

Landis

Witnesses for the Respondent:

Thomas Bathrick

Witnesses for the State:

None

Case Summary:

Respondent petitioned to have his suspended CSR reinstated.

Board Action:

A motion was made and seconded to issue a probationary CSR for one (1) year with the following probationary terms: Respondent's employees are prohibited from being involved in writing prescriptions; Respondent to present a policy/protocol to Board on how to treat patients in his absence; Respondent to take CME law course on controlled substances and writing prescriptions; compliance officer to conduct random inspections; Respondent to provide updated information on place of employment and residential addresses; Respondent to provide quarterly reports to be submitted to Board on the current status of prescription writing in his office; and compliance officer to conduct quarterly review of practitioner INSPECT report and Respondent's internal prescribing records to determine any discrepancies; Respondent may not call-in prescriptions for controlled substances.

Wall/St. Angelo

Motion carried 6/0/0

In the Matter of the Indiana Pharmacist License of Thomas Goodge

License No. 26016041A

Administrative Cause No. 1995 IBP 0002

Re: Petition to Reinstate

Parties and Counsel Present:

Mark Mader, DAG

Michelle Baldwin, Respondent's counsel

Participating Board Members:

Fanning

St. Angelo

Williams

Cover

Landis

Wall

Witnesses for the Respondent:

None

Witnesses for the State:

Bret Busby

Case Summary:

Respondent filed a Motion to Reinstate his summarily suspended license. Respondent withdrew the Motion with no objection from the State of Indiana.

Board Action:

A motion was made to accept the withdrawal of Respondent's Motion to Reinstate.

St. Angelo/Wall

Motion carried 6/0/0

In the Matter of the Indiana Pharmacist License of Julie Flick

License No. 26016926A
Administrative Cause No. 2008 IBP 0017
Re: Extension of Summary Suspension

Parties and Counsel Present:

Heather Kennedy, DAG
Elizabeth Ferguson, Certified Graduate Intern

Participating Board Members:

Fanning
Anderson
St. Angelo
Williams
Cover
Landis
Wall

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

A Complaint was filed against the Respondent's pharmacist license.

Board Action:

A motion was made and seconded to strike reference in order to ninety (90) day suspension and to clarify the summary suspension is indefinite.

Wall/St. Angelo

Motion carried 6/0/0

In the Matter of the Indiana Pharmacist License of Steven Zehring

License No. 26012990A
Administrative Cause No. 1997 IBP 0011
Re: Order to Show Cause

Parties and Counsel Present:

Mark Mader, DAG

Participating Board Members:

Fanning
St. Angelo
Williams
Cover
Landis
Wall

Witnesses for the Respondent:

None

Witnesses for the State:

Carl Erdmann

Case Summary:

Board issued an Order to Show Cause against the Respondent for failing to abide by his probationary terms.

Board Action:

A motion was made and seconded to summarily suspend Respondent's license for ninety (90) days.

St. Angelo/Landis

Motion carried 6/0/0

In the Matter of the Indiana Pharmacist License of Gary Trauth

License No. 26019287A

Administrative Cause No. 2003 IBP 0015

Re: Petition to Withdraw Probation

Parties and Counsel Present:

Mark Mader, DAG

Gary Trauth, Respondent

Participating Board Members:

Fanning

St. Angelo

Williams

Cover

Landis

Wall

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

Respondent filed a Petition to Withdraw Probation.

Board Action:

A motion was made and seconded to withdraw the probation.

Landis/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to request a second addictionology report from James Sagstetter to be provided prior to the next meeting where Mr. Sagstetter will be making a personal appearance.

Landis/St. Angelo

Motion carried 6/0/0

Rich Bramer appeared as advisory counsel replacing James Schmidt.

In the Matter of the Indiana Pharmacist License of Tracy Davis

License No. 26016713A

Administrative Cause No. 2008 IBP 0042

Re: Appeal of Denial of Renewal Application

Parties and Counsel Present:

Lorie Brown, Respondent's counsel

Tracy Davis, Respondent

Participating Board Members:

Fanning

St. Angelo

Williams

Cover
Landis
Wall

Witnesses for the Respondent:

Tracy Davis
Alex Zweig
Carl Erdmann

Witnesses for the State:

None

Case Summary:

Board denied renewal application and applicant petitioned board for review of denial.

Board Action:

A motion was made and seconded to issue an indefinite probationary license for five (5) years with the following terms: Respondent to keep the Board on notice of employer, work schedule, and all personal contact information; Respondent to provide quarterly reports from employer; Respondent may work no more than forty five (45) hours weekly and no more than ten (10) hours per day; Respondent must attend five (5) NA meetings per week and provide quarterly reports; Respondent must attend counseling monthly until such time her counselor recommends counseling is no longer necessary with quarterly reports; Respondent must notify the Board in writing of any relapse; Respondent must remain in her contract with PRN for the entire term of the probation; Respondent is prohibited from working as a qualifying pharmacist; Respondent shall appear for monthly probationary appearances for the first year of probation and quarterly thereafter; Respondent shall complete two (2) hours of community service each month; and Respondent's employer shall sign off on probationary order.

Wall/Fanning

Motion carried 6/0/0

In the Matter of the Indiana Pharmacist License of Larry Harter

License No. 26012910A
Administrative Cause No. 2008 IBP 0052
Re: Petition for Summary Suspension

Parties and Counsel Present:

Mark Mader, DAG

Participating Board Members:

Fanning
St. Angelo
Williams
Landis
Wall

Cover recused himself.

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

A Petition for Summary Suspension was filed by the State of Indiana.

Board Action:

A motion was made and seconded to summarily suspend Respondent's license for ninety (90) days.

St. Angelo/Wall

Motion carried 5/0/0

In the Matter of the Pharmacy Technician in Training Permit of Rickey Murff

Permit No. 99028846A

Administrative Cause No. 2008 IBP 0020

Re: Final Hearing

Parties and Counsel Present:

Heather Kennedy, DAG

Participating Board Members:

Fanning

St. Angelo

Williams

Cover

Landis

Wall

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

A Complaint was filed against the Respondent's technician-in-training certification.

Board Action:

A motion was made and seconded to extend the emergency of suspension for an additional ninety (90) days.

Wall/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to issue a notice of proposed default.

Wall/Cover

Motion carried 6/0/0

In the Matter of the Pharmacy Technician Certification of Kimberly Stokes

Certification No. 67010594A

Administrative Cause No. 2008 IBP 0019

Re: Extension of Summary Suspension

Parties and Counsel Present:

Heather Kennedy, DAG

Participating Board Members:

Fanning

St. Angelo

Williams

Cover

Landis

Wall

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

The Board summarily suspended the Respondent for ninety (90) days and the State of Indiana seeks a continuation of the emergency suspension for an additional ninety (90) days.

Board Action:

A motion was made and seconded to extend the emergency of suspension for an additional ninety (90) days.

Fanning/St. Angelo

Motion carried 6/0/0

In the Matter of the Pharmacy Technician Certification of Shaun Ray

Certification No. 67011985A

Administrative Cause No. 2008 IBP 0018

Re: Extension of Summary Suspension

Parties and Counsel Present:

Mark Mader, DAG

Participating Board Members:

Fanning

St. Angelo

Williams

Cover

Landis

Wall

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

The Board summarily suspended the Respondent for ninety (90) days and the State of Indiana seeks a continuation of the emergency suspension for an additional ninety (90) days.

Board Action:

A motion was made and seconded to extend the emergency of suspension for an additional ninety (90) days.

St. Angelo/Fanning

Motion carried 6/0/0

In the Matter of the Pharmacy Technician Certification of Selina King

Certification No. 67011337A

Administrative Cause No. 2008 IBP 0014

Re: Extension of Summary Suspension

Parties and Counsel Present:

Mark Mader, DAG

Participating Board Members:

Fanning

St. Angelo

Williams

Cover
Landis
Wall

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

The Board summarily suspended the Respondent for ninety (90) days and the State of Indiana seeks a continuation of the emergency suspension for an additional ninety (90) days.

Board Action:

A motion was made and seconded to extend the emergency of suspension for an additional ninety (90) days.

Wall/Fanning

Motion carried 6/0/0

In the Matter of the Pharmacy Technician Certification of Jennifer Nobles (Watts)

Certification No. 67009115A

Administrative Cause No. 2008 IBP 0013

Re: Extension of Summary Suspension

Parties and Counsel Present:

Heather Kennedy, DAG

Elizabeth Ferguson, Certified Graduate Intern

Participating Board Members:

Fanning

St. Angelo

Williams

Cover

Landis

Wall

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

The Board summarily suspended the Respondent for ninety (90) days and the State of Indiana seeks a continuation of the emergency suspension for an additional ninety (90) days.

Board Action:

A motion was made and seconded to extend the emergency of suspension for an additional ninety (90) days.

Fanning/Wall

Motion carried 6/0/0

A motion was made and seconded to approve the following probationary appearances:

Jason Ashcraft

Tina King

Charles Lindstrom

Michael Long

Ruth Ann Murr
Harish Nair
Jeremiah Strunc
Ernest Whitacre
Ed Hine

Fanning/Wall

Motion carried 6/0/0

A motion was made and seconded to approve the following probationary appearances:

Barbara Chew
James Dudek
Traci Holling
Tony Jacobs
Muataz Noffel
Jeffrey Opel
Linda Rodeman
Stephen Szalewski

Williams/Fanning

Motion carried 6/0/0

A motion was made and seconded to approve the following probationary appearances:

Gary Trauth
Daniel Weaver

Landis/Williams

Motion carried 6/0/0

Gilbert Chavarria, Gregory Dodds, Robert Jaberg, Angela Kruer, Thomas MacLean, Joseph Mathys, Susan Reynolds and Donnielle Shead did not appear for their probationary appearance.

A motion was made and seconded to request a personal appearance for Robert Jaberg.

Wall/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to approve the pharmacist intern applications for the following:

Anne Parada
Andrew Trgovich

Fanning/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to table the WDD application for Patterson Logistics Services, Inc. and request a personal appearance.

Wall/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to approve the WDD application for Cardinal Health.

Wall/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to approve the pharmacist renewal application for Chung Mau pending the applicant's passing of the MPJE.

Wall/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to approve the following continuing education hours:

Timothy L. Johnston	(0.5)
Jamie Lyberg	(0.5)
R. Brian Wolfe, PharmD	(1)
Meredith W. Harpes, PharmD	(0.5)
Indiana Pharmacists Alliance	(5)

Fanning/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to approve the following pharmacy technician applications:

Jocelyn Branson
Joyce Howard
Michael Clarke
Cecelia Obua

Fanning/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to request a personal appearance for pharmacy technician applicant Michael Scott.

Fanning/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to approve the following pharmacy technician applications:

Jill Dyer
Kimberly Barnes
Dorothy Richardson

Williams/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to approve the waiver requests for the following:

Emma Naugle
Trent Huckstep

Williams/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to approve the waiver requests for the following:

Alysha Switalski
Brandon Bourgeois
Amy Burch
Lisa Mueller

St. Angelo/Fanning

Motion carried 6/0/0

A motion was made and seconded to approve the waiver requests for the following:

Derek Snodgrass
Phanlada Chantha-Hill
Cortney Sanders
Taneisha Hampton
Anyea Livers

Landis/Fanning

Motion carried 6/0/0

A motion was made and seconded to approve requests for extensions of the following technician-in-training permits:

Kourtney Williams
Heather Davidson

Landis/Fanning

Motion carried 6/0/0

A motion was made and seconded to table the non-resident pharmacy application of Louisville Pharmacy requesting the confirmation of an answering service.

St. Angelo/Fanning

Motion carried 6/0/0

A motion was made and seconded to approve the following non-resident pharmacy applications:

Long Beach Prescription Pharmacy II
Rx Express Pharmacy

St. Angelo/Landis

Motion carried 6/0/0

A motion was made and seconded to table the WDD application for Forty Wayne Custom Rx, Inc. with the understanding that the business practices described in the application fall within the pharmacy license presently held by the applicant.

Wall/St. Angelo

Motion carried 6/0/0

Board Director's Report

A motion was made and seconded to issue pharmacy technician certification to Joseph Dean.

Wall/Landis

Motion carried 6/0/0

A motion was made and seconded to request a personal appearance for Donna Geshwilm regarding her position as qualifying pharmacist during the drug diversion of Respondent Ricky Murff.

St. Angelo/Wall

Motion carried 5/0/1 (Fanning abstained)

The meeting adjourned at 4:40 p.m.

William Cover, R.Ph., President
Indiana Board of Pharmacy

Date

Next Scheduled Meeting:

Monday, November 10, 2008
Indiana Government Center South
Room W064